

**MEMO ENDORSED**

ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
(FOLEY SQUARE)USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 5-30-18

UNITED STATES OF AMERICA, )

Plaintiff, )

v. )

09 CR. 581 (WHP)

18 CIV. 152 (EHP)

PAUL M. DAUGERDAS )

Defendant. )

DEFENDANT PAUL M. DAUGERDAS'S MOTION FOR  
LEAVE TO CORRECT AND AMEND HIS RESPONSE  
TO ATTORNEY CHARLES B. SKLARSY'S DECLARATION

The Defendant Paul M. Daugerdas, pro se respectfully moves the Court for leave to correct and amend his Response to attorney Charles B. Sklarsky's Affidavit and would correct and amend his Response as follows:

CORRECTION

In paragraph 2. of my Response to Mr. Sklarsky's Affidavit, I state at pages 2-3, "The records show that twenty-four of the twenty-eight charges Daugerdas was charged with were already beyond the six-year statute of limitations when Daugerdas signed the first stipulation on 10/10/2006". This should be corrected to read, "The records show that four of the twenty-eight charges Daugerdas was charged with were already beyond the six-year statute of limitations when Daugerdas signed the first stipulation on 10/10/2006".

AMENDMENT

I would amend my Response to Mr. Sklarsky's Affidavit with the following statements: (1) Even assuming the stipulations were valid (which they were not) Mr. Charles Sklarsky allowed Daugerdas to be tried on four (4) charges that were already beyond the statute of limitations, and that amounts to ineffective assistance of counsel. and (2) In his Motion To Invalidate Stipulations (Dkt. 99) Mr. Sklarsky states in his INTRODUCTION, page 1, "The Government's misrepresentations prevented Daugerdas from knowingly and voluntarily extending the limitations period for any of the charges against him". And in his Reply In Support Of Motion To Invalidate Stipulations (Dkt. 155) Mr. Sklarsky states in his INTRODUCTION, page 1, "In his opening motion to invalidate the stipulations, Daugerdas demonstrated that his waiver of certain statute of limitation rights were not knowingly and voluntary because the Government withheld material from Daugerdas and his counsel". (emphasis added).

Now in his Declaration at paragraph 5 b. Mr Sklarsky states, "He asked questions about the Stipulations which I answered, In my opinion, he understood the implications of the Stipulations and the rights he was waiving by entering into them". Mr. Sklarsky's statements made in his Declaration are contrary to the statements he made in his Motion To Invalidate Stipulations. (Dkt. 99). Mr. Sklarsky cannot have it both ways. The truth here is obvious that Mr Sklarsky was ineffective for advising Daugerdas to enter into the Stipulations and for failing to advise Daugerdas of his rights concerning the Stipulations. The records do not misrepresent.

CONCLUSION

Daugerdas respectfully requests the Court to grant his motion to Correct and Amend his response to Attorney Charles B. Sklarsky's Declaration as shown herein.

Respectfully Submitted

Date 5/22/2018

  
Paul M. Daugerdas  
Defendant, pro se

Application granted. Daugerdas shall specify which four counts he asserts are time-barred forthwith. The Government shall file any response within 30 days after service of such specification.

SO ORDERED:

  
WILLIAM H. PAULEY III  
U.S.D.J.

6/5/18



Certificate Of Service

I, Paul M. Daugerda, swear under penalty of perjury that I have caused copies of DEFENDANT PAUL M. DAUGERDAS'S MOTION FOR LEAVE TO CORRECT AND AMEND HIS RESPONSE TO ATTORNEY CHARLES B. SKLARSKY'S DECLARATION, to be mailed to the following parties:

Charles B. Sklarsky  
Jenner and Block  
353 N. Clark Street  
Chicago, Illinois. 60605


Stanley J. Okula, Jr.  
Assistant United States Attorney  
One Saint Andrews Plaza  
New York, NY. 10007

this 5<sup>th</sup> day of May, 2018.  
(28 U.S.C. §1746)

  
Paul M. Daugerda

Certificate Of Mailing

I, Paul M. Daugerda, swear under penalty of perjury that I have caused to be mailed the original and two copies of DEFENDANT PAUL M. DAUGERDAS'S MOTION FOR LEAVE TO CORRECT AND AMEND HIS RESPONSE TO CHARLES B. SKLARSKY'S DECLARATION, to the Office of the Clerk, Pro Se Intake Unit, United States District Court, 500 Pearl Street, New York, NY. 10007, by placing said motion in a legal envelope with sufficient first-class postage attached and caused same to be deposited in the Prisoner's Mail Box at a Federal Correctional Institution, this 5<sup>th</sup> day of May, 2018.  
(28 U.S.C. § 1746..

  
Paul M. Daugerda  
#62444-054  
U.S. Marion Camp  
P.O.Box 1000  
Marion, Illinois. 62959

Paul M. Daugerda  
#62444-054  
USP Marion Camp  
P.O.Box 1000  
Marion, Illinois. 62959

2018 MAY 30 AM 10:12

May 22, 2018


Re: United States v. Paul M. Daugerda, No's 09 cr 581 (WHP)  
18 Civ. 152 (WHP)

Clerk, Pro Se Intake Unit  
United States District Court  
500 Pearl Street  
New York, NY. 10007

Dear Clerk,

Enclosed you will find the original and two copies of my motion entitled Defendant Paul M. Daugerda's Motion For Leave To Correct And Amend His Response To Attorney Charles B. Sklarsky's Declaration. Would please file this motion for me in the above case number. Thank you for your assistance in this matter.

Sincerely yours

  
Paul M. Daugerda

Copy: file



2018 MAY 30 AM 10:13



MAILED 23 MAY 2018  
WFO 23 MAY 2018



⇌ 84184-132 ⇌

Clerk Pro Se Intake Unit  
500 Pearl ST  
U.S. District Court  
NEW YORK, NY 10007  
United States

Clerk, Pro Se Intake Unit  
United States District Court  
500 Pearl Street  
New York, NY. 10007

Donald Bennett  
#84184-132  
Federal Correctional Institution  
P.O.Box 1000  
Milan, Michigan. 48160

USMP3  
USDMX